

REMARKS

The undersigned counsel for the Applicants is not listed on the Applicants' Power of Attorney. A new and revised Power of Attorney, however, will be filed in the near future. Therefore, Applicants respectfully submit that the Patent Office accept this Amendment under 37 CFR § 1.33(b)(2) and 1.34.

With the present amendment, claims 24-31 and 35-42 are pending. Claims 24, 28-31, 35, and 39-42 are rejected under 35 U.S.C. § 102(b) as being anticipated by WO 96/16216 which the Examiner states has an equivalent U.S. Patent cited as U.S. Patent No. 5,804,286. Claims 24, 31, 35, and 42 are rejected under 35 U.S.C. § 102 as being anticipated by Serbiak, et al. (U.S. Patent No. 5,846,232). Claims 25-27, and 36-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 96/16216 in view of Antoon, Jr. et al. (U.S. Patent No. 4,923,650). Further, claims 25-27 and 36-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Serbiak, et al. (U.S. Patent No. 5,846,232) in view of Antoon, Jr. et al. (U.S. Patent No. 4,923,650).

Respectfully, the methods for making a necked laminate claimed in independent claims 24 and 35 patentably define over the cited prior art. Specifically, neither WO 96/16216 , Serbiak, et al., nor Antoon, Jr. et al. disclose, teach or suggest the methods of making a laminate called for in independent claims 24 and 35.

Claims 24 and 35 have been amended to include one of the limitations set forth in claims 25 and 36, respectively. Therefore, Applicants respectfully submit the amendments to claims 24 and 35 do not raise issues of new matter and do not require further consideration or search by the Examiner. Further, Applicants respectfully submit

that these amendments place independent claims 24 and 35 in condition for allowance or in better condition for appeal, as discussed in greater detail below.

Claim 24 claims a method for making a necked laminate. A non-elastic neckable material and a non-elastic film layer are provided. The non-elastic film layer is partially stretched and then the non-elastic neckable material is attached to the non-elastic film to form a laminate. The laminate is then stretched in a first dimension to neck the laminate in a dimension perpendicular to the first dimension. The stretching of the laminate is done in such a manner that striated rugosities are formed in the non-elastic film layer in the first dimension.

Similarly, claim 35 claims a method for making a necked laminate. A non-elastic neckable material and a non-elastic film layer are provided. The non-elastic film layer is partially stretched and then attached to the non-elastic neckable material to form a laminate. The laminate is then stretched in a longitudinal dimension to neck the laminate in a transverse dimension. This stretching is done in a manner so that striated rugosities are formed in the non-elastic film layer in a longitudinal dimension.

WO 96/16216 does not disclose a method wherein a non-elastic film layer is partially stretched before being attached to a non-elastic neckable material to form a laminate. Further, WO 96/16216 does not disclose stretching such a laminate in a first or longitudinal dimension to neck the laminate in a perpendicular or transverse dimension such that the striated rugosities are formed in the non-elastic layer in the longitudinal or first dimension.

In WO 96/16216, a composite fabric is made of a non-woven layer and a second layer which may be a film. However, as pointed out on page 18, lines 4-6 (column 9,

lines 31-32 of the equivalent U.S. Patent No. 5,804,286), in assembling the composite fabric, the non-woven layer and the second layer are provided in an unstretched state. Since, both the non-woven layer and the second layer are in an unstretched state before the stretching forces are applied to the composite fabric, the composite fabric would not necessarily stretch in manner that would necessitate or cause striated rugosities therein. Therefore, WO 96/16216 does not anticipate claims 24 and 35 of the present application.

Further, WO 96/16216 cannot be combined with Antoon, Jr. et al. to render claims 24 and 35 obvious, because WO 96/16216 actually teaches away from using a film which is prepared by stretching. Antoon, Jr. et al. teaches a film that is prepared by stretching a casting of a composition of polyolefin. Since WO 96/16216 specifically states that, in assembling the composite fabric, the non-woven layer and the second layer are provided in an unstretched state, this reference teaches away from using the stretched film as called for in Antoon, Jr. et al. For this reason, one of ordinary skill in the art would not look to Antoon, Jr. et al. to replace the unstretched second layer in the composite fabric of WO 96/16216. Thus, claims 24 and 35 of the present application are not rendered obvious by the combination of WO 96/16216 and Antoon, Jr. et al.

Serbiak, et al. also does not disclose methods for making a necked laminate as called for in claims 24 and 35 of the present application. Serbiak, et al. discloses a method for forming an absorbent article wherein a base structure is made by attaching together an extensible bodyside liner and an extensible outer cover layer. To create a resiliently extensible zone in the base structure, at least one elastic layer element is incorporated between the outer cover layer and the bodyside liner. (See column 4, lines

15-38). The elastic layer element is a necessary element in Serbiak, et al. to create the extensibility and the retractability of the outer cover layer, bodyside liner, and the garment as a whole.

Further, Serbiak, et al. states that the outer cover layer and the bodyside liner can comprise a necked non-elastic material and both may be necked together. However, Serbiak, et al. does not disclose attaching the non-elastic material to a non-elastic film layer to form a laminate and then stretching the laminate as a whole to create striated rugosities in the non-elastic film layer. In Serbiak, et al., the outer cover layer and the bodyside liner of the non-elastic material is necked and then afterwards attached to a nonextensible film. This nonextensible film performs the exact opposite function of the striated rugosities in the non-elastic film layer in the laminate called for in claims 24 and 35. The non-extensible film in Serbiak, et al. is used to create to nonextensible regions in the absorbent article. Therefore, the nonextensible film prevents the extension of the outer cover layer, bodyside liner, and the other portion of the article to which it is attached (See column 4, lines 43-49 and column 8, line 68-column 9, line 17). Since, Serbiak, et al. does not disclose attaching a non-elastic neckable material to a non-elastic film to form a laminate and then stretching the laminate in a first direction to neck the laminate such that striated rugosities are formed in the non-elastic film layer in the first dimension, the reference cannot anticipate claims 24 and 35 of the present invention.


Similarly, Serbiak, et al. cannot be combined with Antoon, Jr. et al. to render claims 24 and 35 of the present application obvious. Since Serbiak, et al. teaches that non-elastic material is necked before being attached to the film to form a laminate and

further that the film used is actually a nonextensible film that prevents stretching, Serbiak, et al. teaches away from claims 24 and 35. The stretched film of Antoon, Jr. et al. cannot and does not correct the deficiencies of Serbiak, et al. Therefore, claims 24 and 35 are not rendered obvious by Serbiak, et al. in view of Antoon, Jr. et al.

For at least these reasons set forth above, independent claims 24 and 35 are patentably distinguishable from the prior art and are now allowable. Since claims 25-31 depend from claim 24 and 36-42 depend from claim 35, Applicants respectfully submit that claims 25-31 and 36-42 are also allowable. Applicants respectfully submit that the application is now in condition for allowance and favorable action thereon is respectfully requested. The Examiner is encouraged to call the undersigned at his convenience to resolve ant remaining issues.

Respectfully submitted,

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